

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. CR-06-0172 CRB

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXCLUDING TIME UNDER
THE SPEEDY TRIAL ACT**

 \mathbf{V}_s

Defendant.

On July 27, 2006, the parties in this matter appeared before the Court for a hearing on defendant's motion to suppress. The Court denied the motion as moot. Defense counsel advised the Court that Mr. Smith may file additional motions and requested a hearing date of September 13, 2006. Counsel further advised the Court that the parties intend to discuss a possible resolution to the case and will notify the Court if such a resolution is reached.

The parties hereby agree and stipulate that the time between July 26, 2006 and September 13, 2006 should be excluded under the Speedy Trial Act. The parties agree that the requested continuance is appropriate to accommodate the unavailability of defense counsel for much of August and the need to conduct further investigation in preparation for the filing of any

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From-FEDERAL PUBLIC DEFENDER


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1 additional motions.

2 IT IS SO STIPULATED.

3 Dated: 7/27/06


BARRY J. PORTMAN
Federal Public Defender
JOSH COHEN
Assistant Federal Public Defender

6 Dated: 7/27/06


KEVIN V. RYAN
United States Attorney
MICHELLE MORGAN-KELLY
Assistant United States Attorney

12 ORDER

13 Accordingly, and for good cause shown, the Court orders that the time from July 26, 2006
14 through September 13, 2006 shall be excluded under the Speedy Trial Act. The Court finds that
15 the ends of justice served by granting the requested continuance outweigh the best interest of the
16 public and the defendant in a speedy trial. This finding is based on the Court's determination
17 that the failure to grant the continuance would deny the defendant continuity of counsel and the
18 reasonable time necessary for effective preparation of his defense, taking into account the
19 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

20 IT IS SO ORDERED.

21 Dated: July 27, 2006

CHARLES R. BREYER
UNITED STATES DISTRICT COURT

